

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Amendment of Part 2 of the Commission's)	ET Docket No. 00-258
Rules to Allocate Spectrum Below 3 GHz for)	
Mobile and Fixed Services to Support the)	
Introduction of New Advanced Wireless)	
Services, Including Third Generation Wireless)	
Systems)	
)	
Amendment of Section 2.106 of the)	ET Docket No. 95-18
Commission's Rules to Allocate Spectrum at 2)	
GHz for Use By the Mobile-Satellite Service)	
)	
The Establishment of Policies and Service)	IB Docket No. 99-81
Rules for the Mobile-Satellite Service in the)	
2GHz Band)	
)	
Petition for Rulemaking of the Wireless)	RM-9498
Information Networks Forum Concerning the)	
Unlicensed Personal Communications Service)	
)	
Petition for Rule Making of UTStarcom, Inc.,)	RM-10024
Concerning the Unlicensed Personal)	
Communications Service)	

To: The Commission

REPLY COMMENTS

Cingular Wireless LLC ("Cingular"), by its attorneys, hereby replies to comments filed in response to the *Further Notice of Proposed Rulemaking* in the above-captioned proceedings.¹ In

¹ *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems*, ET Docket No. 00-258, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, FCC 01-224 (rel. Aug. 20, 2001) ("FNPRM"). These reply comments are being timely filed pursuant to the Commission's *Order Extending Reply Comment Period*, which was released on October 30, 2001. *Amendment of Part*
(continued on next page)

its initial comments, Cingular presented a comprehensive, workable spectrum plan which addresses the spectrum shortfall in the U.S. by reallocating 180 MHz of spectrum for advanced wireless services. Many commenters proposed spectrum plans similar to this proposal and most agree that large, contiguous spectrum blocks, rather than discrete slivers of spectrum, are necessary to support advanced wireless services.² Cingular therefore urges the Commission to adopt this spectrum plan so that certainty can be brought to the market for advanced wireless services.

I. THE COMMISSION SHOULD REALLOCATE 180 MHz OF SPECTRUM FOR ADVANCED WIRELESS SERVICES

Under the band plan proposed by Cingular, 180 MHz of spectrum would be reallocated for advanced wireless services in the following manner:

- 1710-1780 MHz band, paired with
- 2110-2180 MHz band;

- 1990-2010 MHz band, paired with
- 2180-2200 MHz band;

- 1915-1925 MHz band reallocated for Time Division Duplexing ("TDD") services.³

Many commenters, including AT&T Wireless, Verizon Wireless and CTIA, propose spectrum plans similar to that proposed by Cingular. In general, wireless carriers support the reallocation

2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems, ET Docket No. 00-258, *Order Extending Reply Comment Period*, DA 01-2533 (rel. Oct. 30, 2001).

² See, e.g., Comments of AT&T Wireless Services, Inc., ET Docket No. 00-258, at 3 (Oct. 22, 2001) ("AT&T Comments"); Comments of Ericsson Inc., ET Docket No. 00-258, at 8 (Oct. 19, 2001) ("Ericsson Comments"), Comments of Nokia, Inc. ET Docket No. 00-258, at 1 (Oct. 19, 2001) ("Nokia Comments"), Comments of Verizon Wireless, ET Docket No. 00-258, at 7-8 (Oct. 19, 2001) ("Verizon Comments").

³ See Comments of Cingular Wireless LLC, ET Docket No. 00-258, at 11-14 (Oct. 22, 2001) ("Cingular Comments").

of the 2150-2160 MHz and 2165-2200 bands with a paired allocation for advanced wireless services.⁴

II. LARGE CONTIGUOUS SPECTRUM BLOCKS ARE NECESSARY TO SUPPORT ADVANCED WIRELESS SERVICES

As the Commission has noted, contiguous spectrum block allocations create significant spectrum efficiencies and are critical to supporting multiple advanced wireless service providers.⁵ Many of the commenting wireless carriers and equipment manufacturers agree that large contiguous spectrum blocks, rather than slivers of spectrum, are needed to support advanced wireless services.⁶ For example, AT&T Wireless concludes that “[b]ecause of the minimum size of the channels required, the need to pair spectrum, and the economics of manufacturing radio devices, large contiguous blocks of spectrum are a necessary element of any 3G solution.”⁷ Accordingly, the Commission should allocate large, contiguous blocks of spectrum as proposed by Cingular and others.

A. 1710-1780 MHz band paired with 2110-2180

Many commenting parties support a band plan that would pair spectrum in the 1710-1780 MHz and 2110-2180 MHz bands,⁸ although some stop short of advocating the 1770-1780 MHz

⁴ See AT&T Comments at 2, 9; Verizon Comments at 3; Comments of The Cellular Telecommunications & Internet Association, ET Docket No. 00-258, at 2 (Oct. 22, 2001) (“CTIA Comments”). Verizon Wireless and CTIA also support the reallocation of the 1990-2025 MHz band. See Verizon Comments at 3; CTIA Comments at 2. In addition, CTIA supports leaving the current 2390-2400 MHz allocation unchanged. See CTIA Comments at 2.

⁵ See *FNPRM* at ¶ 38.

⁶ See AT&T Comments at 3; Ericsson Comments at 8; Nokia Comments at 1; Verizon Comments at 8; Comments of Motorola, Inc., ET Docket No. 00-258, at 6 (Oct. 22, 2001) (“Motorola Comments”); CTIA Comments at 2.

⁷ AT&T Comments at 3.

⁸ See Comments of Arraycomm, Inc., ET Docket No. 00-258, at 9-10 (Oct. 22, 2001); AT&T Comments at 2; Motorola Comments at 5-6; Nokia Comments at 2-3; CTIA Comments at (continued on next page)

and 2170-2180 MHz band pairing proposed in the *FNPRM* in light of the recent National Telecommunications and Information Association (“NTIA”) statement regarding the removal of Department of Defense spectrum from consideration.⁹ For the reasons discussed above, the Commission should provide two large contiguous blocks of spectrum at 1710-1780 MHz and 2110-2180 MHz that are at least partially harmonized with international allocations.

To facilitate this band pairing, Cingular urges the Commission to continue to work closely with NTIA and incumbent industries to free up spectrum in the 1710-1780 MHz band and to reallocate the 2150-2165 MHz and 2165-2180 MHz bands to advanced wireless services. Further, the Commission should relocate Multipoint Distribution Service (“MDS”) licensees in the 2150-2165 MHz band to either the 2010-2025 MHz band¹⁰ or the 1910-1930 MHz band, provided that MDS does not cause interference to PCS. Several commenters, including the Wireless Communications Association International, Inc. (the leading MDS trade association) and Motorola, agree that the 2010-2025 MHz band can support MDS operations.¹¹ Other commenters propose relocating MDS to the 1910-1930 MHz and 2385-2400 MHz bands.¹² Comparable spectrum must be found for incumbent MDS licensees and they must be reimbursed for the cost of the relocation.

2; Verizon Comments at 4-7; Comments of Qualcomm, ET Docket No. 00-258, at 2 (Oct. 22, 2001); Comment of Telephone and Data Systems, Inc., ET Docket No. 00-258, at 5,8 (Oct. 19, 2001) (“TDS Comments”).

⁹ NTIA Statement Regarding New Plan to Identify Spectrum for Advanced Wireless Mobile Services (3G), *Press Release* (Oct. 5, 2001), available at http://www.ntia.doc.gov/ntiahome/threeg/3gplan_100501.htm.

¹⁰ See Cingular Comments at 14.

¹¹ See Comments of Wireless Communications Association International, Inc., ET Docket No. 00-258, at 7 (Oct. 22, 2001); Motorola Comments at 14.

¹² See Motorola Comments at 13; Comments of The Ad Hoc MDS Alliance, ET Docket No. 00-258, at 19 (Oct. 22, 2001).

Cingular agrees with Telephone & Data Systems, Inc. that the Commission must refrain from merely adding a mobile service allocation in the 2150-2165 MHz band similar to the 2.5 GHz band mobile allocation.¹³ Rather, the 2150-2165 MHz MDS band, along with the 2165-2180 MHz MSS band, should be reallocated and auctioned for advanced wireless services. The 2110-2150 MHz band should also be reallocated and auctioned, but not until the Commission resolves the status of the 2150-2165 MHz and 2165-2200 MHz bands.¹⁴

B. 1990-2010 MHz band paired with 2180-2200 MHz band

Cingular continues to support reallocating this spectrum to advanced wireless services by auction.¹⁵ MSS licensees have failed to present any compelling arguments to justify retention of these bands. The suggestion by MSS licensees that the U.S. may lose credibility in the international community by reallocating this spectrum rings hollow when, as Cingular has noted, all but 60 MHz of the 365 MHz that the U.S. advocated for terrestrial advanced wireless services has been eliminated from consideration.¹⁶ Finally, the Commission needs to develop a workable plan for relocating Broadcast Auxiliary Services licensees from the 1990-2025 MHz band.

C. 1910-1930 MHz Band

Many commenters recognize that this band is not optimal for the provision of advanced wireless services and that it does not provide a large enough block of spectrum (contrary to the

¹³ See TDS Comments at 8.

¹⁴ See Cingular Comments at 13; AT&T Comments at 6-7.

¹⁵ See also Arraycomm Comments at 7-10; AT&T Comments at 5,9; TDS Comments at 6-7; Joint Comments of the Association for Maximum Service Television, Inc. and the National Association of Broadcasters, ET Docket No. 00-258, at 7 (Oct. 22, 2001).

¹⁶ See Cingular Comments at 4.

proposal of Constellation Communications Holdings, Inc.).¹⁷ Cingular supports reallocating 10 MHz of this spectrum (1915-1925 MHz) for advanced wireless services utilizing TDD.¹⁸ Any reallocation or proposed use of this band must not interfere with PCS operations.

D. 2390-2400 MHz Band

Some commenters, in particular the National Association for Amateur Radio, advocate sharing between current users of this band and relocated government use.¹⁹ Cingular urges the Commission to explore this option further because sharing between amateur radio and advanced wireless services is not feasible given the ubiquitous nature of amateur radio use and its high transmitted power levels.²⁰

¹⁷ See AT&T Comments at 4; Motorola Comments at 15-21; CTIA Comments at 3; Comments of Constellation Communications Holdings, Inc., ET Docket No. 00-258, at 16-17 (Oct. 22, 2001).

¹⁸ See Cingular Comments at 12.

¹⁹ See Comments of National Association for Amateur Radio, ET Docket No. 00-258, at 10 (Oct. 19, 2001).

²⁰ See Cingular Comments at 14.

CONCLUSION

The Commission should adopt Cingular's spectrum plan as the first step in reallocating at least 200 MHz of spectrum for advanced wireless services. Cingular's proposal warrants adoption because it allocates spectrum in large, contiguous spectrum blocks, rather than discrete slivers of spectrum. By reallocating spectrum in this manner, the Commission can bring certainty to the market for advanced wireless services and allow wireless carriers to plan for the utilization of this spectrum.

Respectfully submitted,

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